

# EXHIBIT M

Page 1

1 IN THE UNITED STATES DISTRICT COURT  
2 FOR THE NORTHERN DISTRICT OF GEORGIA  
3 ATLANTA DIVISION

4 )  
5 ALPHA PHI ALPHA FRATERNITY INC., )  
6 A NONPROFIT ORGANIZATION ON BEHALF )  
7 OF MEMBERS RESIDING IN GEORGIA; )  
8 SIXTH DISTRICT OF THE AFRICAN )  
9 METHODIST EPISCOPAL CHURCH, A )  
GEORGIA NONPROFIT ORGANIZATION; )  
ERIC T. WOODS; KATIE BAILEY GLENN; )  
PHIL BROWN; JANICE STEWART, ) CIVIL ACTION NO.  
PLAINTIFFS, ) 1:21-CV-05337-SCJ  
v. )  
11 )  
12 BRAD RAFFENSPERGER, IN HIS )  
OFFICIAL CAPACITY AS SECRETARY )  
OF STATE OF GEORGIA, )  
DEFENDANT. )  
-----  
15  
16 VIDEO RECORDED DEPOSITION OF LISA HANDLEY  
17 (TAKEN by DEFENDANT)  
18 ATTENDING VIA ZOOM IN WASHINGTON, D.C.  
19 FEBRUARY 16, 2023  
20 ALSO PRESENT: Alison Bos  
21 VIDEOGRAPHER: James Downie  
22  
23 REPORTED BY: Meredith R. Schramek  
Registered Professional Reporter  
Notary Public  
(Via Zoom in Mecklenburg County,  
North Carolina)

Page 95

1 A Yes.

2 Q So in this, you make a distinction, though.  
3 You say in 67 percent of the contests that were not  
4 polarized, it was because black voters supported white  
5 candidates preferred by white voters.

6 Am I right?

7 A Right.

8 Q Why does that matter in your opinion?

9 A I'm not sure that matters so much to me, but  
10 it appears to matter to, say, Dr. Alford, who argues  
11 that black and white support -- that white voters vote  
12 for white and black candidates at comparable rates in  
13 the general election. They don't in the primary  
14 election. In the primary election, there's quite a  
15 difference between support for black-preferred black  
16 candidates and black-preferred white candidates on  
17 behalf of the white voters. So it's a counter,  
18 basically, to Alford -- Dr. Alford. I'm sorry.

19 Q That's fine. Counter to Dr. Alford.

20 A I'm sorry?

21 Q I was just repeating you and thinking.

22 Does it matter for purposes of finding racial  
23 polarization?

24 A I mean, it's a -- no. It's irrelevant, the  
25 race of the candidate that voters are supporting. It's

Page 96

1 only relevant who they're supporting and whether  
2 they're supporting the same candidate or not.

3 Q Is that -- do you know if that is the Supreme  
4 Court's -- how do I phrase this? I'll probably get an  
5 objection but I'm going to go ahead and ask it.

6 Do you know if that standard that you just  
7 cited is supported by a case -- a Supreme Court case in  
8 which the majority made that pronouncement?

9 MS. LAKIN: Objection.

10 THE WITNESS: I can only speak to one Supreme  
11 Court case. So I -- I don't know the answer to that  
12 question.

13 I can tell you it -- that is from the -- it's  
14 founded in the Gingles, but -- in the Thornburg v  
15 Gingles opinion, but it could, of course, show up in  
16 many others. I don't know.

17 BY MR. JACOUTOT:

18 Q Do you know if the majority of the Court  
19 joined that standard or if it was a plurality?

20 MS. LAKIN: Objection.

21 THE WITNESS: I don't remember.

22 BY MR. JACOUTOT:

23 Q Okay. So when you say that what matters is  
24 the race of the voters supported the same candidate and  
25 not the race of the candidate, that's your opinion as a

Page 97

1 political scientist, not necessarily a reflection of  
2 the legal standard, the prevailing legal standard?

3 A Yes.

4 Q Turning back to the democratic primary, you'd  
5 agree with me that there is much less racial  
6 polarization in the democratic primary than there is in  
7 the general election; correct?

8 A Yes. A hundred percent of the general  
9 elections were polarized. Of the elections I looked  
10 at, a hundred percent were polarized. That's higher  
11 than 55 percent.

12 Q Pretty dramatically higher, wouldn't you say?

13 A A hundred percent is pretty stark.

14 Q Okay. I want to move on to your concluding  
15 paragraph, which I think is on 31 -- yeah.

16 And so we might rehash a little bit of what  
17 we've already talked about here, but you say that "My  
18 analysis of voting patterns by race determined that  
19 voting in all seven areas of Georgia that I examined is  
20 residentially polarized."

21 Do you see that?

22 A Yes.

23 Q And just to be clear, you didn't look at the  
24 question of why the races vote the way they do to  
25 create this polarization. You've just established that

Page 98

1 it exists in the general elections; is that right?

2 A I did not look at causation. That's correct.

3 Q Okay. And you've established, too, that to a  
4 lesser degree, it's present in the democratic primary  
5 contests -- excuse me. Let me make sure you know what  
6 "it" is referring to.

7 You state here that all the seven areas of  
8 Georgia you examined are racially polarized, but in the  
9 democratic primary contests you examined, it's true  
10 that they are racially polarized by your standards but  
11 to a lesser degree; is that right?

12 A Yes. But my conclusion that voting is  
13 polarized in Georgia is based on the general elections.

14 Q Okay. And why didn't you look into the  
15 causation -- potential for causation of the racial  
16 polarization?

17 A I have never looked into the reason for the  
18 polarization. I think the law is clear and certainly  
19 the analysis that I've conducted and everybody that I  
20 know has conducted looks at just the voting patterns of  
21 black and white and not the intent behind it or the  
22 causation behind it in terms of the Gingras factors.

23 Q Okay. And I think at the beginning of our  
24 deposition, you mentioned that it might be possible, I  
25 think you said, for some very clever people to